

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

IN RE: OHIO EXECUTION  
PROTOCOL LITIGATION

: Case No. 2:11-cv-1016

:

District Judge Edmund A. Sargus, Jr.

: Magistrate Judge Michael R. Merz

This document relates to All Plaintiffs

:

---

---

**ORDER STRIKING DEFENDANTS' DESIGNATION OF CO-TRIAL  
ATTORNEYS**

---

---

This consolidated § 1983 method of execution case is before the Court on Defendants' Notice of Designation of Co-Trial Attorneys (ECF No. 2577) in which Messrs. Charles Schneider and Charles Wille are purportedly designated as co-trial attorneys for Defendants in this case.

The Notice is STRICKEN because it is contrary to the Local Rules of this Court. S. D. Ohio Civ. R. 83.5 expressly provides "[a]ll documents filed on behalf of a party represented by counsel shall be signed by **one** attorney in his or her individual name as the trial attorney referred to in S.D. Ohio Civ. R. 83.4 . . ." S. D. Ohio Civ. R. 83.4 is consistent, requiring that parties, other than those proceeding *pro se*, must be represented by **a** trial attorney, the singular number being intentionally used.

This may seem an empty formality, but it has been insisted on by the judges of this Court for some time. One of our District Judges will not let the person designated as "trial attorney" appear at trial at all if he or she has not appeared at the final pretrial conference.

S. D. Ohio Civ. R. 83.4 does authorize the Court to grant exceptions, but only on order, which was not sought here. While the undersigned is not reluctant to grant this particular request, he would

feel obliged to consult other judges on the policy question before doing so; setting a precedent in such a visible case may not commend itself to other judges of the Court.

October 2, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge